

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-40168FDS 42

CAPITAL RECORDS, INC., a Delaware Corporation; WARNER BROS. RECORDS, INC., a Delaware Corporation; ARISTA RECORDS, INC., a Delaware Corporation; BMG MUSIC, a New York general partnership; SONY MUSIC ENTERTAINMENT INC., a Delaware Corporation; and UMG RECORDINGS, INC., a Delaware Corporation,

Plaintiffs,

v.

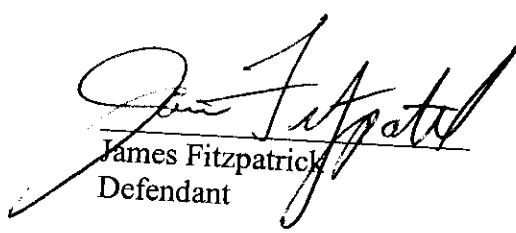
JIM FITZPATRICK
Defendant

**DEFENDANT'S CERTIFICATION PURSUANT TO
LOCAL RULE 16.1**

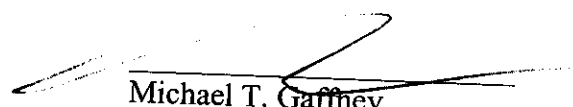
The undersigned counsel and defendant affirm that they have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of this litigation;
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4

DATED: 11/29/04


James Fitzpatrick
Defendant

By his attorney,


A handwritten signature in black ink, appearing to read "Michael T. Gaffney", is written over a horizontal line.

Michael T. Gaffney
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CERTIFICATE OF SERVICE

I, Michael T. Gaffney, Esq., do hereby certify that a true copy of the above document, namely the defendant's certification pursuant to LR 16.1, was served via first-class mail, to Attorneys Colin J. Zick, Gabriel M. Helmer, Foley Hoag, LLP, 155 Seaport Boulevard, Boston, MA 02210-2600.

Dated: December 1, 2004



Michael T. Gaffney, Esq.